



JFW/940
1649

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Peter S. Linsley et al.

Serial No.:

09/454,651

Filed:

December 6, 1999

Docket:

30436.30USD1

Title:

CTLA4 MOLECULES AND IL4-BINDING MOLECULES AND USES THEREOF

CERTIFICATE UNDER 37 CFR §1.8

I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on September 23, 2004.

By: *Renato Marco P.*
Name: Renato Marco P. Domingo

55 S. Lake Avenue, Suite 710
Pasadena, California 91101
September 23, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

We are transmitting herewith the attached:

- Transmittal sheet, in duplicate, containing Certificate under 37 CFR §1.8
- Communication Forwarding Supplemental Declaration Under 37 C.F.R. §1.67
- Exhibits A & B
- Return postcard

Please charge any additional fees or credit overpayment to Deposit Account No. 50-0306. A duplicate of this sheet is enclosed.

MANDEL & ADRIANO
55 S. Lake Avenue, Suite 710
Pasadena, California 91101
(626) 395-7801

By: *Sarah B. Adriano*
Name: Sarah B. Adriano
Reg. No.: 34,470
Customer No. 26,941



DKT. 30436.30USD1/SBA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Peter S. Linsley, et al.

Serial No.: 09/454,651 Examiner: P. Gambel, Ph.D.

Filed: December 1999 Group Art Unit: 1644

Title: CTLA4 MOLECULES AND IL4-BINDING MOLECULES AND USES
THEREOF

55 S. Lake Avenue, Suite 710
Pasadena, California 91101
September 23, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**COMMUNICATION FORWARDING SUPPLEMENTAL DECLARATION
UNDER 37 C.F.R. §1.67**

Applicants submit this Communication in accordance with 37 C.F.R. §1.67 and request that the Patent Office accept the enclosed Declarations for the record.

Applicants attached herewith a complete and exact copy of the Petition Under 37 C.F.R. §1.47(a) dated May 2, 2000 (but received May 9, 2000), which includes copies of executed Combined Declarations and Powers of Attorney filed in the related parent application U.S. Serial No. 08/228,208, now U.S. Patent No. 6,090,914, to which the subject application is a divisional application and claims priority (Exhibit A). Additionally, Applicants provide a copy of the Decision dated May 25, 2000 granting the Petition under 37 C.F.R. §1.47(a) dated May 2, 2000 (but received May 9, 2000) issued by the Patent Office for U.S. Serial No. 08/228,208 (attached herewith as Exhibit B).

Applicants: Peter S. Linsley, et al.
U.S. Serial No: 09/454,651
Filed: December 6, 1999
Page: 2

No other fee is due in connection with the filing of this Petition. However, Applicants authorized the Patent Office to charge any additional fee to Deposit Account No. 50-0306.

Respectfully submitted,

Sarah B. Adriano

Sarah B. Adriano
Registration No. 34,470
SaraLynn Mandel
Registration No. 31,853
Mandel & Adriano
55 So. Lake Ave., Suite 710
Pasadena, California 91101
(626) 395-7801
Customer No.:26941

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicants: Peter S. Linsley et al.

Serial No: 08/228,208

Filed: April 15, 1994

Title: CTLA4/CD28IG HYBRID FUSION PROTEINS AND USES THEREOF

Docket: 30436.30US01

Date of Deposit: May 2, 2000

Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.8.
Petition Under 37 C.F.R. §1.47(a)

Exhibits 1 and 2

A check in the amount of \$130.00 to cover the filing fee

Return postcard

Patent

SBA

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicants: Peter S. Linsley et al.

Serial No: 08/228,208

Filed: April 15, 1994

Title: CTLA4/CD28IG HYBRID FUSION PROTEINS AND USES THEREOF

Docket: 30436.30US01

Date of Deposit: May 2, 2000

Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.8.
Petition Under 37 C.F.R. §1.47(a)

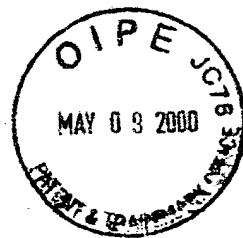
Exhibits 1 and 2

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Return postcard

Patent

SBA



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Peter S. Linsley et al.
Serial No.: 08/228,208
Filed: April 15, 1994
Docket: 30436.30US01
Title: CTLA4/CD28IG HYBRID FUSION PROTEINS AND USES THEREOF

CERTIFICATE UNDER 37 CFR 1.8

I hereby certify that this paper or fee is being deposited with the United States Postal as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on May 2, 2000.

By: 
Name: Renato Marco P. Domingo

35 N. Arroyo Parkway, Suite 60
Pasadena, California 91103
May 2, 2000

BOX OFFICE OF PETITIONS
Assistant Commissioner for Patents
Washington, D.C. 20231

TO: Examiner Brian Hearn, Petitions

Sir:

We are transmitting herewith the attached:

- Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.8.
- Petition Under 37 C.F.R. §1.47(a)
- Exhibit 1 and 2
- A check in the amount of \$130.00 to cover the filing fee
- Return postcard

Please charge any additional fees or credit overpayment to Deposit Account No. 50-0306. A duplicate of this sheet is enclosed.

MANDEL & ADRIANO
35 No. Arroyo Parkway, Suite 60
Pasadena, California 91103
(626)395-7801

By: 
Name: Sarah B. Adriano
Reg. No.: 34,470
Initials: SBA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Peter S. Linsley et al.
Serial No.: 08/228,208
Filed: April 15, 1994
Docket: 30436.30US01
Title: CTLA4/CD28IG HYBRID FUSION PROTEINS AND USES THEREOF

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Name: Renato Marco P. Domingo

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Pasadena, California 91103
May 2, 2000

BOX OFFICE OF PETITIONS
Assistant Commissioner for Patents
Washington, D.C. 20231

TO: Examiner Brian Hearns, Petitions

Sir:

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- Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.8.
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- A check in the amount of \$130.00 to cover the filing fee
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35 No. Arroyo Parkway, Suite 60
Pasadena, California 91103
(626)395-7801

By: *Sarah B. Adriano*
Name: Sarah B. Adriano
Reg. No.: 34,470
Initials: SBA

DKT. 30436.30US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Peter S. Linsley et al.
Serial No : 08/228,208 **Examiner:** L. Spector
Filed : April 15, 1994 **Group Art Unit:** 1646
For : CTLA4/CD28IG HYBRID FUSION PROTEINS AND USES
THEREOF

35 No. Arroyo Parkway
Pasadena, California 91103
May 2, 2000

**Assistant Commissioner for Patents
Washington, D.C. 20231**

SIR:

PETITION UNDER 37 C.F.R. §1.47(a)

Applicants submit this Petition in accordance with 37 C.F.R. §1.47(a) and request that the Patent Office accept the enclosed Declarations and correct the priority dates of the subject application before the issuance of the patent1.

On December 9, 1999, applicants' undersigned attorney sent a letter, separately each, to Drs. Peter Linsley, Jeffrey Ledbetter, William Brady, Robert Peach and Jurgen Bajorath enclosing a Combined Declaration and Power of Attorney to their post office addresses for their execution. Copies of the letters including enclosures are annexed herewith as Exhibit 1.

Drs. Linsley, Ledbetter and Brady have failed to sign the declaration that is necessary to correct the priority dates of the subject application. Drs. Peach and Bajorath executed the

Peter S. Linsley, et al.
U.S. Serial No. 08/228,208
Filed: April 15, 1994
Page 2

Combined Declaration and Power of Attorney and the originals are enclosed herewith as Exhibit 2.

Applicants submit the fee of \$130.00 in accordance with 37 C.F.R. §1.17(h). No other fee is due in connection with the filing of this Petition. However, applicants authorized the Patent Office to charge any additional fee to Deposit Account No. 50-0306.

Respectfully submitted,

Sarah B. Adriano
Sarah B. Adriano
Registration No. 34,470
SaraLynn Mandel
Registration No. 31,853
Attorneys for Applicants
Mandel & Adriano
35 No. Arroyo Parkway, Suite 60
Pasadena, California 91103
626/395-7801

MANDEL & ADRIANO

INTELLECTUAL PROPERTY ATTORNEYS

SARALYNN MANDEL

SARAH B. ADRIANO*

35 N. ARROYO PARKWAY, SUITE 60

PASADENA, CA 91103

PHONE 626/395-7801

FAX 626/395-0694

*Admitted in New York Only

December 9, 1999

Dr. Peter S. Linsley
2430 9th Avenue West
Seattle, Washington 98119

Re: Peter S. Linsley et al. entitled "CTLA4 MOLECULES AND IL4-BINDING MOLECULES AND USES THEREOF," U.S. Serial No. 08/228,208, filed April 15, 1994, which is a continuation-in-part of U.S. Serial No. 008,898, filed January 22, 1993, which was a continuation-in-part of U.S. Serial No. 723,617, filed July 27, 1991, now abandoned, BMS Ref. ON-0085D, M&A Ref. 30436.30US01

Dear Peter:

I enclose an original Combined Declaration and Power of Attorney for the above-identified application. The previous Declaration which you executed did not include reference to U.S. Serial No. 07/723,617, filed July 27, 1991. Please re-sign and date where indicated, in black ink, and return it by facsimile and originals by mail to the Pasadena address.

Sincerely,



Sarah B. Adriano

SBA/rmpd
Enclosure

MANDEL & ADRIANO
United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: CTLA4 MOLECULES AND IL-4 BINDING MOLECULES AND USES THEREOF

The specification of which

a. is attached hereto
b. was filed on April 15, 1994 as application serial no. 08/228,208 and was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _____ filed _____ and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. no such applications have been filed.
b. such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
08/008,898	January 22, 1993	Patented but pending at time of filing
07/723,617	July 27, 1991	Abandoned

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Sarah B. Adriano Reg. No. 34,470
SaraLynn Mandel Reg. No. 31,853

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Mandel & Adriano to the contrary.

Please direct all correspondence in this case to Mandel & Adriano at the address indicated below:

Mandel & Adriano
35 No. Arroyo Parkway, Suite 60
Pasadena, California 91103

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Linsley	First Given Name Peter	Second Given Name S.
0	Residence & Citizenship	City Seattle	State or Foreign Country Washington	Country of Citizenship US
1	Post Office Address	Post Office Address 2430 9 th Avenue West	City Seattle	State & Zip Code/Country Washington 98119/USA

Signature of Inventor 201:

Date:

2	Full Name Of Inventor	Family Name Ledbetter	First Given Name Jeffrey	Second Given Name A.
0	Residence & Citizenship	City Seattle	State or Foreign Country Washington	Country of Citizenship US
2	Post Office Address	Post Office Address 306 N.W. 113 th Place	City Seattle	State & Zip Code/Country Washington 98117/USA

Signature of Inventor 202:

Date:

2	Full Name Of Inventor	Family Name Bajorath	First Given Name Jurgen	Second Given Name
0	Residence & Citizenship	City Lynnwood	State or Foreign Country Washington	Country of Citizenship Germany
3	Post Office Address	Post Office Address 17406 37 th Avenue West	City Lynnwood	State & Zip Code/Country Washington 98037/USA

Signature of Inventor 203:

Date:

2	Full Name Of Inventor	Family Name Peach	First Given Name Robert	Second Given Name
0	Residence & Citizenship	City Edmonds	State or Foreign Country Washington	Country of Citizenship New Zealand
4	Post Office Address	Post Office Address 14021 65 th Place West	City Washington	State & Zip Code/Country Washington 98026/USA

Signature of Inventor 204:

Date:

2	Full Name Of Inventor	Family Name Brady	First Given Name William	Second Given Name
0	Residence & Citizenship	City Bothell	State or Foreign Country Washington	Country of Citizenship US
5	Post Office Address	Post Office Address 618 219 th Place South West	City Bothell	State & Zip Code/Country Washington 98921/USA
Signature of Inventor 205:			Date:	

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

MANDEL & ADRIANO

INTELLECTUAL PROPERTY ATTORNEYS

SARALYNN MANDEL
SARAH B. ADRIANO*
35 N. ARROYO PARKWAY, SUITE 60
PASADENA, CA 91103
PHONE 626/395-7801
FAX 626/395-0694

*Admitted in New York Only

December 9, 1999

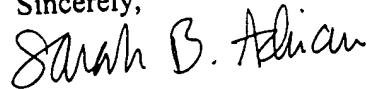
Dr. William Brady
618 219th Place South West
Bothell, Washington 98921

Re: Peter S. Linsley et al. entitled "CTLA4 MOLECULES AND IL4-BINDING MOLECULES AND USES THEREOF," U.S. Serial No. 08/228,208, filed April 15, 1994, which is a continuation-in-part of U.S. Serial No. 008,898, filed January 22, 1993, which was a continuation-in-part of U.S. Serial No. 723,617, filed July 27, 1991, now abandoned, BMS Ref. ON-0085D, M&A Ref. 30436.30US01

Dear Dr. Brady:

I enclose an original Combined Declaration and Power of Attorney for the above-identified application. The previous Declaration which you executed did not include reference to U.S. Serial No. 07/723,617, filed July 27, 1991. Please re-sign and date where indicated, in black ink, and return it by facsimile and originals by mail to the Pasadena address.

Sincerely,



Sarah B. Adriano

SBA/rmpd
Enclosure

MANDEL & ADRIANO
United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

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I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: CTLA4 MOLECULES AND IL-4 BINDING MOLECULES AND USES THEREOF

The specification of which

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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Mandel & Adriano to the contrary.

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2	Full Name Of Inventor	Family Name Linsley	First Given Name Peter	Second Given Name S.
0	Residence & Citizenship	City Seattle	State or Foreign Country Washington	Country of Citizenship US
1	Post Office Address	Post Office Address 2430 9 th Avenue West	City Seattle	State & Zip Code/Country Washington 98119/USA
Signature of Inventor 201:			Date:	
2	Full Name Of Inventor	Family Name Ledbetter	First Given Name Jeffrey	Second Given Name A.
0	Residence & Citizenship	City Seattle	State or Foreign Country Washington	Country of Citizenship US
2	Post Office Address	Post Office Address 306 N.W. 113 th Place	City Seattle	State & Zip Code/Country Washington 98117/USA
Signature of Inventor 202:			Date:	
2	Full Name Of Inventor	Family Name Bajorath	First Given Name Jurgen	Second Given Name
0	Residence & Citizenship	City Lynnwood	State or Foreign Country Washington	Country of Citizenship Germany
3	Post Office Address	Post Office Address 17406 37 th Avenue West	City Lynnwood	State & Zip Code/Country Washington 98037/USA
Signature of Inventor 203:			Date:	
2	Full Name Of Inventor	Family Name Peach	First Given Name Robert	Second Given Name
0	Residence & Citizenship	City Edmonds	State or Foreign Country Washington	Country of Citizenship New Zealand
4	Post Office Address	Post Office Address 14021 65 th Place West	City Washington	State & Zip Code/Country Washington 98026/USA
Signature of Inventor 204:			Date:	

2	Full Name Of Inventor	Family Name Brady	First Given Name William	Second Given Name
0	Residence & Citizenship	City Bothell	State or Foreign Country Washington	Country of Citizenship US
5	Post Office Address	Post Office Address 618 219 th Place South West	City Bothell	State & Zip Code/Country Washington 98921/USA
Signature of Inventor 205:			Date:	

§ 1.56 Duty to disclose information material to patentability.

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(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

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MANDEL & ADRIANO

INTELLECTUAL PROPERTY ATTORNEYS

SARALYNN MANDEL
SARAH B. ADRIANO*
35 N. ARROYO PARKWAY, SUITE 60
PASADENA, CA 91103
PHONE 626/395-7801
FAX 626/395-0694

*Admitted in New York Only

December 9, 1999

Dr. Jeffrey A. Ledbetter
306 N.W. 113th Place
Seattle, Washington 98117

Re: Peter S. Linsley et al. entitled "CTLA4 MOLECULES AND IL4-BINDING MOLECULES AND USES THEREOF," U.S. Serial No. 08/228,208, filed April 15, 1994, which is a continuation-in-part of U.S. Serial No. 008,898, filed January 22, 1993, which was a continuation-in-part of U.S. Serial No. 723,617, filed July 27, 1991, now abandoned, BMS Ref. ON-0085D, M&A Ref. 30436.30US01

Dear Jeff:

I enclose an original Combined Declaration and Power of Attorney for the above-identified application. The previous Declaration which you executed did not include reference to U.S. Serial No. 07/723,617, filed July 27, 1991. Please re-sign and date where indicated, in black ink, and return it by facsimile and originals by mail to the Pasadena address.

Sincerely,



Sarah B. Adriano

SBA/rmpd
Enclosure

MANDEL & ADRIANO
United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: CTLA4 MOLECULES AND IL-4 BINDING MOLECULES AND USES THEREOF

The specification of which

a. is attached hereto
 b. was filed on April 15, 1994 as application serial no. 08/228,208 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

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2	Full Name Of Inventor	Family Name Linsley	First Given Name Peter	Second Given Name S.
0	Residence & Citizenship	City Seattle	State or Foreign Country Washington	Country of Citizenship US
1	Post Office Address	Post Office Address 2430 9 th Avenue West	City Seattle	State & Zip Code/Country Washington 98119/USA
Signature of Inventor 201:			Date:	
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Dr. Jurgen Bajorath
17406 37th Avenue West
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COMBINED DECLARATION AND POWER OF ATTORNEY

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I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: CTLA4 MOLECULES AND IL-4 BINDING MOLECULES AND USES THEREOF

The specification of which

a. is attached hereto
 b. was filed on April 15, 1994 as application serial no. 08/228,208 and was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _____ filed _____ and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. no such applications have been filed.
 b. such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
08/008,898	January 22, 1993	Patented but pending at time of filing
07/723,617	July 27, 1991	Abandoned

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Sarah B. Adriano Reg. No. 34,470
SaraLynn Mandel Reg. No. 31,853

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Mandel & Adriano to the contrary.

Please direct all correspondence in this case to Mandel & Adriano at the address indicated below:

Mandel & Adriano
35 No. Arroyo Parkway, Suite 60
Pasadena, California 91103

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Linsley	First Given Name Peter	Second Given Name S.
0	Residence & Citizenship	City Seattle	State or Foreign Country Washington	Country of Citizenship US
1	Post Office Address	Post Office Address 2430 9 th Avenue West	City Seattle	State & Zip Code/Country Washington 98119/USA

Signature of Inventor 201:

Date:

2	Full Name Of Inventor	Family Name Ledbetter	First Given Name Jeffrey	Second Given Name A.
0	Residence & Citizenship	City Seattle	State or Foreign Country Washington	Country of Citizenship US
2	Post Office Address	Post Office Address 306 N.W. 113 th Place	City Seattle	State & Zip Code/Country Washington 98117 USA

Signature of Inventor 202:

200

2	Full Name Of Inventor	Family Name Bajorath	First Given Name Jurgen	Second Given Name
0	Residence & Citizenship	City Lynnwood	State or Foreign Country Washington	Country of Citizenship Germany
3	Post Office Address	Post Office Address 17406 37 th Avenue West	City Lynnwood	State & Zip Code/Country Washington 98037/USA

Signature of Inventor 203:

Date:

2	Full Name Of Inventor	Family Name Peach	First Given Name Robert	Second Given Name
0	Residence & Citizenship	City Edmonds	State or Foreign Country Washington	Country of Citizenship New Zealand
4	Post Office Address	Post Office Address 14021 65 th Place West	City Washington	State & Zip Code/Country Washington 98026/USA

Signature of Inventor 204:

021 65th Place West


Date: 01-04-00

2	Full Name Of Inventor	Family Name Brady	First Given Name William	Second Given Name
0	Residence & Citizenship	City Bothell	State or Foreign Country Washington	Country of Citizenship US
5	Post Office Address	Post Office Address 618 219 th Place South West	City Bothell	State & Zip Code/Country Washington 98921/USA
Signature of Inventor 205:			Date:	

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application

believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

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(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

MANDEL & ADRIANO
United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

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	Residence & Citizenship	City Seattle	State or Foreign Country Washington	Country of Citizenship US
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	0	Residence & Citizenship	City Seattle	State or Foreign Country Washington
2		Post Office	Post Office Address	City

Address	306 N.W. 113 th Place	Seattle	Washington 98117/USA
Signature of Inventor 202:		Date:	
2	Full Name Of Inventor	Family Name Bajorath	First Given Name Jurgen
	Residence & Citizenship	City Lynnwood	State or Foreign Country Washington
3	Post Office Address	Post Office Address 17406 37 th Avenue West	City Lynnwood
			State & Zip Code/Country Washington 98027/USA

Signature of Inventor 203:			Date: 12-16-97
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	Residence & Citizenship	City Edmonds	State or Foreign Country Washington
4	Post Office Address	Post Office Address 14021 65 th Place West	Country of Citizenship New Zealand
Signature of Inventor 204:			Date:

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 (2) Each attorney or agent who prepares or prosecutes the application; and
 (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
 (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Paper No. 33

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DAC FOR PATENTS

In re Application of
Peter S. Linsley et al
Application No. 08/228,208
Filed: April 15, 1994
Attorney Docket No. 30436.30US01

ON PETITION

This is a decision on the petition under 37 CFR 1.47(a), filed May 9, 2000, which is being treated as a petition under both 37 CFR 1.182 to accept a declaration after payment of the issue fee and under 37 CFR 1.183 to waive 37 CFR 1.67(a).

The petition under 37 CFR 1.182 is granted.

The petition under 37 CFR 1.183 to waive 37 CFR 1.67(a) is granted.

Petitioner requests that acceptance of the declarations submitted with the petition in order to claim benefit under 35 USC 120 of Application Nos. 08/008,898 and 07/723,617. Petitioner further requests acceptance of the declarations without the signatures of all the inventors in view of the failure of three of the inventors to execute and return the declarations mailed to them on December 9, 1999.

MPEP Section 603.01 states:

Since the decision in *Cutter co v. Metropolitan Electric Mfg. Co.*, 275 F. 158 (2d Cir. 1921), many supplemental oaths and declarations covering the claims in the case have been filed after the case is allowed. Such oaths or declarations may be filed as a matter of right and when received they will be placed in the file by the Office of Patent Publication, but their receipt will not be acknowledged to the party filing them. They should

not be filed or considered as amendments under 37 CFR 1.312, since they make no change in the wording of the papers on file. See MPEP § 714.16.

It is recognized that the reason for requesting acceptance of the declarations is different from the above facts set forth in MPEP Section 603.01. However, since there is no provision for acceptance of a declaration after payment of the issue fee for the reason set forth in the petition either in the practice of the Office or in the statutes, rules and regulations, this request is appropriately a petition under 37 CFR 1.182 which deals specifically with questions not otherwise provided for and has been so treated.

Turning next to the petition under 37 CFR 1.183 to waive 37 CFR 1.67(a), MPEP Section 603 states:

When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, it is possible that the requirement may be suspended or waived in accordance with 37 CFR 1.183.

Under the circumstances of this case, justice would be served by suspending the requirements of 37 CFR 1.67(a). Accordingly, the substitute oath signed by the remaining inventors is accepted under 37 CFR 1.67(a).

Telephone inquiries concerning this matter may be directed to Frances Hicks at (703) 305-8680.

The issue fee and drawings have been received. Accordingly, this application file is being forwarded to Publishing Division.

Brian Hearn
Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

